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Date: May 29, 2007/Stacey Bussey/
Stacey Bussey**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant: Robert May, *et al.*

Examiner: Pierre E. Elisca

Serial No: 10/743,655

Art Unit: 3621

Filing Date: December 22, 2003

Title: CUSTOMER AGE VERIFICATION

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF CLAIMED SUBJECT MATTER FOR APPEAL BRIEF

Dear Sir:

Applicant submits this Summary of Claimed Subject Matter to replace the summary in the current Appeal Brief filed on March 5, 2007. It is believed that no fees are due in connection with this replacement section for the Appeal Brief. In the event any additional fees may be due, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [SYMBP182US].

The following summary of claimed subject matter complies with 37 C.F.R. §41.37(c)(1)(v) and shall replace the summary currently in the Appeal Brief filed March 5, 2007.

I. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))

A. Independent Claim 1

Independent claim 1 relates to a system for facilitating age verification in a point-of-sale (POS) system environment by gathering encoded age-related information from an identification card, decoding the data, extracting the age-related information, and generating a data string representative of the age-related data. This string is compatible with a POS system and is subsequently sent to such a system where it can be indexed in a resident lookup table. The age-related data string can be used during subsequent transactions to verify whether the consumer meets an age requirement associated with products scanned by the system. In this way, age verification can be automated during purchase. (*See e.g.* Figs. 1 and 3, and accompanying text at page 7, line 15 to page 9, line 15 and page 11, line 11 to page 13, line 25).

B. Independent Claim 18

Independent claim 18 relates to a method for age verification by utilizing a machine data reader to extract age-related information from an individual's identification card. A determination of age can be made subject to the data extracted, and a string is generated corresponding to the individual's age or an age range and sent to a POS system. Upon receiving the age or age range, the POS system can index the data in a lookup table for future access. This claim provides for automatic age verification such that the machine data reader can obtain the age and communicate relevant information to a POS system. (*See e.g.* Fig. 4, and accompanying text at page 13, line 30 to page 15, line 14).

C. Independent Claim 28

Independent claim 28 relates to a system for verifying age comprising a machine data reader that reads encoded information, including a birth date, from an identification card. The reader comprises a clock to determine the current date, and a component that can compare the birth date to the current date in order to generate a POS compatible string based on this comparison. The string can be sent to a POS system for future use, for example, to verify whether the consumer meets an age requirement associated with products scanned by the system. In this way, age verification in connection with purchase can be automated. (*See e.g.* Figs. 1 and 3, and accompanying text at page 7, line 15 to page 9, line 15 and page 11, line 11 to page 13, line 25).

II. Conclusion

It is believed the Appeal Brief, upon replacing the summary of claimed subject matter with that provided herein, complies with all sections of 37 C.F.R. §41.37. If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP182US].

Respectfully submitted,

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